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Joyce Moore
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GAU-1764

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APR 17 2001

TC 1700

Case No. 8357

Confirmation No. 8102

6/25/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
CHRISTOPHE (NMN) LAUDAMIEL-PELLET, ET AL. :
Serial No.: 09/730,261 : Group Art Unit: 1764
Filed: December 5, 2000 : Examiner:
For: SYSTEM AND METHODS FOR DISPENSING :
SCENTS INTO THE ENVIRONMENT, AND :
FOR PROVIDING SCENT-CONTAINING :
ARTICLES OF MANUFACTURE :

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO-1449 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO-1449 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☐ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☒ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1st O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO (2) OR (3) MARKED WITH AN (X) ABOVE.

(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed. It is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(c) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 does not indicate that a copy of the International Search Report and copies of the references cited are present in the national stage file. Copies of the International Search Report and references are attached.

4. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1st Office Action & before Final Office Action or Notice of Allowance)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311 as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:

☐ (1) Copies of the cited references were previously cited by or submitted to the USPTO in prior application Case No. ____, U.S. Patent Application Serial No. __, filed __. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☒ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s _____, were submitted and considered in parent application U.S. Patent Application Serial No. _____, filed _____. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s _____ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s _____ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

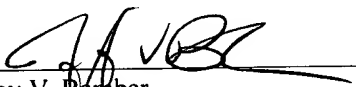
☐ (4) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is on the attached page, except where a full English language translation is provided.

☒ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page, the copies of which are attached.

☒ Additional information is attached.

Respectfully submitted,

By


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4/10/2001
 The Procter & Gamble Company
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COPENDING APPLICATIONS

- § 1.98(a)(2) Content of information disclosure statement: Section 1.98(a)(2)(iii) requires submission of copies of U.S. patent applications that are being cited in IDS statements.
- § 1.98(d)(2) If a U.S. application was cited in an IDS prior to the effective date of the change to §1.98(a)(2) (now requiring a copy of the cited application) but a copy of the cited application was not supplied, as was permissible under the former rule, a copy of the cited application must be supplied if cited in any continuing application where the citation is made after the effective date of the changes to §§ 1.98(a) and (d).

<u>Atty. Docket No.</u>	<u>Serial Number</u>	<u>Inventor(s)</u>	<u>Filing Date</u>
CM-2388	PCT No. US00/20499	Kaiser	July 22, 2000
8354P	60/251,067	Bartsch, et al	December 4, 2000
8355	09/730,226	Bartsch, et al	December 5, 2000
8356	09/730,333	Laudamiel-Pellet, et al	December 5, 2000

COMMERCIAL DISCLOSURE BY OTHERS

Aromajet

AromaJet.com introduced its AromaJet technology at the Game Developer's Conference on March 10, 2000. The AromaJet.com technology is described in the pages from AromaJet's web site provided with the accompanying PTO Form 1449.

Bunny Moon Enterprises, Inc.

Bunny Moon Enterprises, Inc. has been marketing several aroma diffusers in the United States under the trademark ULTRA SCENT® for over one year before the filing of this present application. These include the Dial-a-Scent aroma diffuser and the ULTRA SCENT® Professional aromatherapy diffuser that are shown on the pages from Bunny Moon's web site which are provided with the accompanying PTO Form 1449. The Bunny Moon Professional device is believed to be described in U.S. Patent 5,805,768 issued to Schwartz, et al.

Glade PLUG-INS ®

Glade PLUG-INS® are well-known devices that are plugged into an electrical outlet in a room. The PLUG-IN® devices emit a single scent. These have been sold by S.C. Johnson for more than a year before the filing of the present patent application.

DigiScents, Inc.

DigiScents, Inc. of Oakland, CA USA (www.digiscents.com) introduced a device known as the iSmell device at various trade shows less than one year before filing of the present patent application. The device uses a cartridge that contains a relatively large number of different scents. The device is operated by a personal computer. Software for operating the device can be accessed from DigiScents' internet site. The scents are not believed to be arranged to be emitted in any predetermined sequence. The cartridges may or may not be sealed, and may or may not be removable and replaceable. The various scents are activated by clicking on an icon on the computer screen. The device emits the scents in bursts which last a few seconds. The device is believed to be designed to emit scents for an individual's personal use, rather than to emit the scent throughout a room. The scents are emitted through a tube that resembles the microphones that are provided with some personal computers.

Sony

A Sony PLAY STATION® 2000 game cartridge has been found in the United Kingdom which is marketed by EA Sports under the trademark FIFA 2001. This cartridge contains a soccer game which can be played on the Sony PLAY STATION® 2000. It also contains a scratch and sniff scent element on the outside thereof, and is supposed to emit the odor of grass when scratched, as well as when the game is being played in the PLAY STATION®.

Trisenx, Inc.

Trisenx, Inc. is believed to offer a device and software similar to that offered by Aromajet and DigiScents, Inc.

Other

Many companies in the music recording industry have distributed record albums, tape cassettes, compact discs (CD's) and other sound recordings that have music thereon that has a central theme. The names of the songs may also be written on these record albums, cassettes and compact discs. These record albums, cassettes and compact discs may also have illustrations thereon. This began to occur more than one year before the filing of the present application. Tape cassettes and CD's can be played both in the home and automobiles.



LIST OF DOCUMENTS CITED BY APPLICANTS (Use several sheets if necessary)	ATTY. DOCKET NO. 8357	SERIAL NO. 09/730,261
	APPLICANT Christophe (nmn) Laudamiel-Pellet, et al.	
	FILING DATE December 5, 2000	GROUP
	Confirmation No. 8102	

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	3,410,488	12/1968	Sugimura			
	4,549,250	10/1985	Spector			
	4,629,604	12/1986	Spector			
	4,695,434	9/1987	Spector			
	4,714,984	12/1987	Spector			
	4,743,406	5/1988	Steiner, et al.			
	5,023,020	6/1991	Machida, et al.			
	5,071,621	12/1991	Tokuhiro, et al.			
	5,163,616	11/1992	Bernarducci, et al.			
	5,167,877	12/1992	Pai			
	5,220,636	6/1993	Chang			
	5,234,162	8/1993	Sullivan			
	5,662,835	9/1997	Collingwood			
	5,565,148	10/1996	Pendergrass, Jr.			
	5,805,768	9/1998	Schwartz, et al.			
	6,152,829	11/2000	Jaidka			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
WO97/02076	1/1997	PCT			X*
2,222,838		Canada			
WO01/07093 A1	2/2001	PCT			
WO00/12143	3/2000	PCT			
WO00/15268	3/2000	PCT			
WO00/15269	3/2000	PCT			

* Translation provided in the form of Canadian equivalent 2,222,838

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Aromajet Press Release, "Aromajet.com Demonstrates Proof-of-Concept Aroma Generation System for Game Environments", on Aromajet.com web site 1/19/2001.
	DigiScents Products, "Our Product 'Sweet'", on DigiScents web site 1/19/2001.
	Norelco Consumer Products Company, "Aromatherapy System AT100" instructions, copyright 1996.
	UltraScent Products, "The Ultimate Aromatherapy Diffuser—UltraScent the Only Multi-scent Aromatherapy Diffuser", on Bunny Moony Enterprise's web site 8/5/2000.



EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Patent and Trademark Office - U.S. DEPARTMENT OF COMMERCE